

DONATIONS BY INDIANS TO GOVERNMENT AGENTS.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

Transmitting the information required by a Resolution of the House of Representatives,

RESPECTING

PROPOSED DONATIONS OF LAND,

BY INDIAN TRIBES,

TO ANY

AGENT OR COMMISSIONER OF THE UNITED STATES.

DECEMBER 8, 1826.

Read, and laid upon the table.

WASHINGTON :

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1826.

To the House of Representatives of the United States :

WASHINGTON, 8th December, 1826.

I transmit to the House of Representatives a report from the Secretary of War, with several documents, containing information requested by a resolution of the House, of 20th May last, respecting certain proposed donations of land, by Indian tribes, to any Agent or Commissioner of the United States.

JOHN QUINCY ADAMS.

DEPARTMENT OF WAR,

December 6, 1826.

The Secretary of War, to whom was referred the resolution of the House of Representatives, of the 19th of May last, requesting the President of the United States "to communicate to the House all the information that may be in possession of the Executive Government, respecting any treaty, or supplement to a treaty, or any special agreement entered into, by any agent or commissioner of the United States, with any tribe or tribes of Indians, by which any grant of land was made, or proposed to be made, by any such agent or commissioner, employed to negotiate a treaty, for his own private use and emolument; the nature and extent of such grant; also, the purport of the instructions to such agent or commissioner, and his communications to the Executive on the subject of such grant, and whether such agent or commissioner agreed to accept such grant, so proposed or made, and whether any such grant has, at any time, been submitted, by such agent or commissioner, for the ratification of the Government, and, if so, whether the same has been ratified," has the honor to transmit papers, numbered from 1 to 6, in conformity to the above resolution.

I have the honor to be,

Your obedient servant,

JAMES BARBOUR.

The PRESIDENT of the United States.

Additional instructions to the Commissioners for treating with the Florida Indians, in reply to a letter from Colonel Gadsden, one of the Commissioners.

DEPARTMENT OF WAR, Jan. 30, 1823.

SIR: Your letter, of the 11th instant, has been received. I agree with you as to the importance to the Territory of Florida, of removing the Indians West of the Mississippi, but there are no lands which the Government can assign to them, in lieu of those they may abandon, as all the public lands in that direction, that could be so disposed of, are occupied either by the Cherokees or Choctaws. The Government is, however, willing to encourage the removal of the Florida Indians, as far as it can, and if all, or any part of them, should be disposed to emigrate, and join the Cherokees or Choctaws, or any other tribe farther West, that may be willing to receive them, you are authorized to include a stipulation in the proposed treaty on the subject, allowing them, in the event of their emigration, what may be deemed by the commissioners a fair consideration for the land relinquished by them in Florida, and agreeing, on the part of the United States, to pay the expenses attending their removal.

Your suggestion, relative to the establishment of a military post, will receive due attention.

Orders will be given, agreeably to your request, through the Adjutant General, to the commanding officer at St. Augustine, to furnish the commissioners with a military guard.

The rifles required for presents at the treaty, will be furnished through the Ordnance Department.

The President has directed that the Governor of the Territory, as is usual, be associated with the commissioners at the proposed treaty, and he will join you accordingly, and aid in the negotiation. He was not put on the commission originally, on account of his absence from the Territory.

The Indian Agent has been ordered to repair to St. Augustine, where he will be stationed until further orders, which will enable the commissioners to avail themselves of his services.

I have, &c.

J. C. CALHOUN.

Colonel JAMES GADSDEN,
Commissioner, &c.

No. 1.

Copy of a letter from the Secretary of War to Major Gen. Pinckney.

WAR DEPARTMENT,

March 17, 1814.

SIR: The policy dictated, as well by the unprovoked and ungrateful conduct of the hostile Creeks, as by a due regard to the future safety of the South Western frontier, may be brought under the following heads, viz:

1st. An indemnification, (for the expenses incurred by the United States in prosecuting the war,) by such cession or cessions of land as may be deemed an equivalent for said expenses.

2d. A stipulation, on their part, that they will cease all intercourse with any Spanish post, garrison, or town, and that they will not admit among them any agent or trader who does not derive his authority from the United States.

3d. An acknowledgment of a right in the United States to open roads through their territory; to navigate all waters and streams within the same; and also to establish therein such military posts and trading houses as may be deemed necessary or proper. And,

4th. A surrender of the prophets, or other instigators of the war, who will be held subject to the orders of the President.

With these outlines as your guide, you are authorized, in conjunction with Colonel Hawkins, to open and conclude a treaty of peace with the hostile Creeks, so soon as they shall express a desire to put an end to the war.

I have, &c.

Copy of a letter from the Secretary of War to Major Gen. Pinckney.

WAR DEPARTMENT,

March 20th, 1814.

SIR: Since the date of my last letter, it has occurred to me that the proposed treaty with the Creeks should take a form altogether military, and be in the nature of a *capitulation*; in which case, the whole authority of making and concluding this transaction, should it take place, Colonel Hawkins, as agent, may be usefully employed.

I have, &c.

Extract of a letter from the Secretary of War to Maj. Gen. A. Jackson, dated May 24th, 1814.

In the event of your acceptance of the appointment announced by my letter of the 22d instant, I have to suggest the wish of the

President, that you should proceed, without delay, to Fort Jackson, and consummate the arrangements committed to Major General Pinckney, in relation to the hostile Creeks. A copy of the instructions given to General Pinckney is enclosed.

No. 2.

Extract of a letter from Colonel Benjamin Hawkins, Agent to the Creek Nation, dated "Creek Agency, 1st August, 1815."

"On the 8th of August they (the Creek Chiefs) sent for the agent and General Jackson, and expressed a determination, before they yielded up and signed away their lands, to grant, as a mark of national gratitude, a donation for his distinguished services, to the General and to Colonel Hawkins and his family, to whom they owed much, and whose children were natives of their land; to the two Interpreters, one of whom had all his property destroyed, (Mr. Cornells;) and in the instrument which they would sign, express their claims under the terms of peace offered. The General was very feelingly impressed with this unexpected mark of national gratitude, which he accepted with the reserve, if approved of by the President, and that the President might, if he would, have it disposed of to clothe their poor naked women and children. Their motive being as they expressed, they rejected this modification."

No. 3.

Extract from the minutes of occurrences at Fort Jackson during the negotiation of Jackson's treaty, in August, 1814, taken down by Col. Hawkins, the Creek Agent, 8th August, 1814.

"The Chiefs of the Creek nation assembled at their square, and sent for General Jackson and Colonel Hawkins to visit them. On arriving there, the speaker, Tustunnuggee Thlucco, said he wished to confer with the General on some points relative to the boundary up Coosa river, particularly to accommodate Aubecooche, at the solicitation of Isholosstee, by giving back some lands West of Coosan. The General objected to the accommodation, as the people in that quarter had been already sufficiently provided for, and the ground asked for had been the thoroughfare of the murderers.

"The Speaker then addressed the General. The points now about boundary are pretty well settled, and we shall sign it; but before we do it, and yield it up, we have something to say to you: we are a poor distressed people, involved in ruin, which we have brought on ourselves; it is not caused by a foreign people among us, but of our own color, of our own land, and who speak our tongue. They arose against us to destroy us, and we could not help ourselves. We called on three brothers, Cherokees, Chickasaws, and Choctaws, to help,

but they did not come. We then called on Colonel Hawkins, for our white friends and brothers to help, and you came. You have seen our red and white brothers mix their blood in battle; you have risked your own life for us, and come here, and here we meet; you have saved my life, and I am thankful for it. We have put our heads together, and counselled on it, and have come to one opinion about it, and what we should do. We, the Creek nation, give you three miles square of land, to be chosen where you like, from that we are going to give up. We wish you to take it where you like, and as near as you can, as, if we have need of you, you will be near to aid and advise us.

We give you this in remembrance of the important services you have done us, and as a token of the gratitude of our nation. There is a man near you, Colonel Hawkins, the same we give him, three miles square. He has been long among us, helping of us and doing good for our nation, and is their friend. He and I met at Coleraine, and were young men, and are now old. His children are born in our land. He is to select his land; we give where he chooses, on the land we are about to give up, and to set down on it, and, if he dies, his children will have a place to live on. We do this as a token of the gratitude of the nation.

"There is, standing by you, George Mayfield, a white man, raised in our land, a good and true man, an interpreter. We give him one mile square of land near you, that you may have an interpreter at hand, if we have need of you to talk with you.

"There is our old interpreter, thirty years in our service, Alexander Cornells. We give him one mile square of land to set down on, where he selects, and near Colonel Hawkins, that he may continue his usefulness to us.

"General Jackson replied, he should accept of this national mark of their regard for him, if approved by the President; and he, the President, might, if he would, appropriate its value to aid in clothing their naked women and children. He was well pleased they had noticed their old friend, Col. Hawkins, and his children, born among them; and their conduct on this head towards him and them was much to their credit.

Colonel Hawkins replied: I have been long among you, and gray in your service. I shall not much longer be your Agent. You all know me, that when applied to by red, white, or black, I looked not to color but to the justice of the claim. I shall continue to be friendly and useful to you while I live, and my children, born among you, will be so brought up as to do the same. I accept your present, and esteem it the more highly, by the manner of bestowing it; as it resulted from the impulse of your own minds, and not from any intimation from the General or me.

8th P. M. This evening the Chiefs expressed to Colonel Hawkins they did not give to General Jackson the land, to-day, to give it back to them in clothing and other things. They meant him to live on it, and when he is gone [dead] his family may have it; and it may always be known what the nation gave it to him for. Mrs. Hawkins must be

put in with her children, as she had much trouble to teach the Indians to spin and weave.

The instrument of conveyance was drawn accordingly, under the interpretation of Mr. Cornells and Major McIntosh, Commissioner of Cowetau.

1st. Wishing to give a national mark of gratitude to Major General Andrew Jackson, for his distinguished services rendered to us at the head of the Army from Tennessee, we give and grant to him and his heirs forever, three miles square of land, at such place as he may select out of the retained lands.

2dly. Our nation feel under obligations to Colonel Benjamin Hawkins, our Agent, and Mrs. Lavinia Hawkins his wife, for the unwearied pains they have both of them, for a long time, taken, to introduce the plan of civilization among us, and to be useful to us; and as their children are born in our land, we, as a token of gratitude, give and grant to Colonel Hawkins, for himself, his wife, and children, three miles square of land to him and his heirs forever, to be located in such parts of the retained land as Colonel Hawkins may select, in one tract, or surveys of one mile square each.

3dly. We give to George Mayfield, an Interpreter with General Jackson, a white man raised in our land, one mile square of land where he may select, as a mark of respect for his honesty and usefulness to us as Interpreter.

4thly and lastly. We give and grant to Alexander Cornells, a half breed, our old and faithful Interpreter, who has long been in the public service, one mile square of land, at his option in the retained land, or lands of the Creeks, at his option to be located by him.

We finally request that the Government of the United States will ratify the foregoing acts of national gratitude, and by suitable deeds of conveyance to enable the parties to receive and hold the said lands, agreeable to our intentions as herein expressed.

Given under our hands at the Treaty Ground, at Fort Jackson, 9th August, 1814.

Tustunnuggee Thluccho,

Speaker of the Nation Upper Creeks.

Micco Aupoegan, of Tookaubatchee,

Tustunnuggee Hopoie, *Speaker for the Lower Creeks,*

Micco Anchule, of Cowetau,

William McIntosh, Major of Cowetau,

Tuskeenchau, of Cussetau,

Faw Emautla, of Cussetau,

Tookaubatchee Tustunnuggee, of Hitchetee,

Noble Kinnard, of Hitchetee,

Hopoie Hutkee Sauwooglo,

Hohoiee Yoholo Sauwoogolo,

Tullaupau Haijo, of Enfaulau, on Chattahoochee,

Pachee Haigo, of Aupaulauchocla,

Timpoiia Barnard, Captain of Uchees,

Uchee Micco.

GEORGE MAYFIELD,
ALEXANDER CORNELLS, } *Public Interpreters.*
GEORGE LOVETT.

In presence of

J. C. WARREN, *Assistant Agent for Indian Affairs,*
RETURN J. MEIGS, *Agent Cherokee Nation,*
ROBERT BUTLER, *Adjutant General.*

Having compared the within transcript with the original, I certify it to be a true copy thereof.

FORT JACKSON, 9th August. 1814.

CHARLES CASSEDY, *Acting Secretary.*

No. 4.

DEPARTMENT OF WAR, August 29th, 1815.

SIR : The Secretary of War having gone on a visit to the President, with the intention of going from thence to Georgia, has instructed me to inform you that it is the wish of the President that you should proceed in the liquidation of the claims of the friendly Indians to indemnity upon the principles of General Pinckney's and your letter to them. The result you will transmit to this Department, to be laid before the President for his ultimate decision and approbation.

You will inform the Indians, that the President, with a view to conciliate, and to give them a special mark of his disposition to gratify all their reasonable desires, will recommend to the particular attention of Congress, the grant of land they have made to General Jackson, Mr. Cornell, and yourself.

You will continue to assure the Indians that every attention will be paid to their wishes and wants, so long as they conduct themselves peaceably and in good faith, and that the President will always receive with benevolence, and with a desire to do them complete justice, any representations which they may make through you.

I have the honor, &c.

GEO. GRAHAM,

Colonel BENJAMIN HAWKINS,
Indian Agent, Creek Agency.

No. 5.

DEPARTMENT OF WAR, 7th April, 1823.

GENTLEMEN : I have the honor to enclose you a commission from the President of the United States, appointing you Commissioners to hold a Treaty with the Florida Indians.

The object to be accomplished by the proposed treaty, is the concentration of all the Florida Indians, at some suitable point within that Territory, and the country South of Charlotte Harbor, and the river of that name which empties into it has been designated for the purpose. Your efforts will therefore be directed to the attainment of this object. Should there not be a sufficiency of good lands for the accommodation of the Indians in that part of the peninsula designated, you are authorized to fix the boundary North of Charlotte Harbor and river, so as to take in as much of the country between them and Tampa Bay, as in your judgment may be necessary to give the Indians enough of good lands, and sufficient space, considering their habits of life, leaving the conditions to your sound discretion. As it is desirable that the treaty should be held as soon as practicable, you will, as early as convenient, make your arrangements for that purpose. Confiding in your prudence, that the treaty will be held with the least possible expense, it is deemed unnecessary to give you any particular instructions on that point. The principal article of expense will probably be, the issue of provisions to the Indians while treating with them. To avoid the delay which a correspondence between the Commissioners for that purpose would occasion, Mr. Sequi, being most convenient to the Indians, will fix on the time and place of holding the treaty, after consulting Mr. Hernandez, the Delegate from the Territory, and notify Colonel Gadsden, the other Commissioner, thereof. Mr. Sequi will also ascertain the quantity of provisions that will probably be required, and issue his requisitions for the same on the Commissary of Subsistence, at St. Marks, if the treaty should be held at that place, or contiguous to it; or on the Commissary at St. Augustine, if it should be held there, or near it, who will be ordered to obey such requisitions, and charge the amount to the Indian Department. The enclosed circular will be complied with in issuing the provisions, to which, as there has, in some instances, been great irregularity, I particularly call your attention.

The Indian Agent, Colonel Gad Humphreys, who is stationed for the present at St. Marks, is instructed to obey your orders on all points connected with the proposed treaty, and to prepare the Indians to meet the Commissioners at the time and place which may be fixed upon for holding it.

For the funds which you may find necessary to defray the expenses attending the negotiation, you will draw on this Department.

Your compensation will be at the rate of \$8, and that of the Secretary to the Commission, (whom you are authorized to appoint,) at the rate of \$5 per diem, for the time actually engaged. The payment will be made on your certificate of honor, specifying the time that you and the Secretary have been actually engaged. Your certificate, in like manner, will be a necessary voucher for the presents, should there be any distributed under your authority.

The treaty, when made, will be forwarded to this Department.

I have, &c. &c.

J. C. CALHOUN.

To. Colonel JAMES GADSDEN, &
BERNARD SEQUI, Esq.

} Commissioners, &c. &c.

No. 6.

EXTRACT from the Treaty concluded by William P. Duval, James Gadsden, and Bernard Sequi, Commissioners on the part of the United States, with the Florida Indians, the 18th September, 1823, and which was ratified, with the exception of the 10th article, on the 2d January, 1824.

“ART. 10. The undersigned Chiefs and Warriors, for themselves and tribes, have expressed to the Commissioners their unlimited confidence in their agent, Colonel Gad Humphreys, and their Interpreter, Stephen Richards, and, as an evidence of their gratitude for their services and humane treatment, and brotherly attentions to their wants, request that one mile square, embracing the improvements of Euche Mathla, at Tallahassee, (said improvements to be considered as the centre,) be conveyed, in fee simple, as a present, to Colonel Gad Humphreys. And they further request, that one mile square, at the Ochesee Bluffs, embracing Stephen Richards’ field, on said Bluffs, be conveyed, in fee simple, as a present to said Stephen Richards. The Commissioners accord in sentiment with the undersigned Chiefs and Warriors, and recommend a compliance to their wishes to the President and Senate of the United States; but the disapproval, on the part of the said authorities, of this article, shall, in no wise, affect the other articles and stipulations concluded on in this treaty.”

